

OCT 26 2006

PTO/SB/51 (10-05)

Approved for use through 04/30/2007, OMB 0851-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)
063073-0110

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,974,869, granted 2 November 1999 and for which a reissue patent is sought on the invention entitled NON-VIBRATING CAPACITANCE PROBE FOR WEAR MONITORING

the specification of which

☒ is attached hereto, and amended by the herewith filed Supplementary Amendment.☐ was filed on _____ as reissue application number _____and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Claim 1 of U.S. Patent No. 5,974,869 uses means plus function language which does not encompass some inventions disclosed in the patent specification. Consequently, the inventors have other and broader inventions which were not claimed.

(Page 1 of 4)

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Best Available Copy

Oct 20 06 11:46a

Georgia Tech

404 894 3913

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

PTO/SB/01 (10-05)
Approved for use through 04/01/2017, OMB 0331-0033
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 063073-0110	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.			
Note: To appoint a power of attorney, use form PTO/SB/01.			
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> The address associated with Customer Number:		27433	
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Michael D. Rechrin (Reg. No. 30,128) Matthew E. Martin (Reg. No. 53,274)		
Address	FOLEY & LARDNER LLP 321 N. Clark Street, Ste. 2800		
City	Chicago	State	Illinois Zip 60610
Country	United States of America		
Telephone	(312) 832-4500	Email	mrechrin@foley.com mmemartin@foley.com
WARNING:			
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of sole or first inventor (given name, family name)			
Steven Danyluk			
Inventor's Signature		Date	
<i>Steven Danyluk</i>		10/18/06	
Residence		Citizenship	
Atlanta, Georgia		USA	
Mailing Address			
3585 Grove Gate Lane, Atlanta, Georgia 30339			
Full name of second joint inventor (given name, family name)			
Anatoly Zharin			
Inventor's Signature		Date	
<i>A. Zharin</i>		10/18/06	
Residence		Citizenship	
Minsk, Belarus		Belarus	
Mailing Address			
Byclourussian PM Association, Platonova Str. 12, Minsk, Belarus 220832			
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or ODR attached hereto.			

(Page 2 of 4)

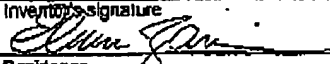
Best Available Copy

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

PTO/SB/31 (10-05)
Approved for use through 04/30/2007, OMB CGS 1-0053
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)		Docket Number (Optional) 063073-0110	
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.			
Note: To appoint a power of attorney, use form PTO/SB/81.			
Correspondence Address: Direct all communications about the application to:			
<input checked="" type="checkbox"/> The address associated with Customer Number:		27433	
OR			
<input checked="" type="checkbox"/> Firm or Individual Name	Michael D. Rechten (Reg. No. 305128) Matthew E. Martin (Reg. No. 33,274)		
Address	FOLEY & LARDNER LLP 321 N. Clark Street, Ste. 2800		
City	Chicago	State	Illinois
Zip	60610		
Country	United States of America		
Telephone	(312) 832-4500	Email	mrechten@foley.com mmartin@foley.com
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.			
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.			
Full name of third joint inventor (given name, family name) Elmer Zanoria			
Inventor's signature 		Date Oct. 19, 2006	
Residence Peoria, Illinois		Citizenship Philippines	
Mailing Address 5205 N. Devonshire Dr., Peoria, IL 61615			
Full name of fourth inventor (given name, family name) Lennox Reid			
Inventor's signature		Date	
Residence Houston, Texas		Citizenship USA	
Mailing Address 14915 Little Leaf Court, Houston Texas 77082			
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets (forms PTO/SB/02A or 02LR attached hereto).			

(Page 3 of 4)

Best Available Copy

OCT. 26. 2006 4:20PM

FOLEY & LARDNER

RECEIVED
CENTRAL FAX CENTER
NO. 8799 P. 46
OCT 26 2006

Under the Patentwork Reduction Act of 1982, no patent application is subject to the payment of a filing fee unless it is a continuation or division of an application for which a filing fee has been paid.

Approved for use through 9/30/2007. OMB 0505-0055
US Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PTO/SB/81 (10-05)
Form for use through 9/30/2007. OMB 0505-0055

Under the Patentwork Reduction Act of 1982, no patent application is subject to the payment of a filing fee unless it is a continuation or division of an application for which a filing fee has been paid.

(ISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Document Number (Optional)
063073-0110

All errors corrected in this issue application and/or without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ The address associated with Customer Number: 27433

OR

☒ Form of Individual Name: Michael D. Rechten (Reg. No. 30,126) Matthew E. Martin (Reg. No. 3,274)

Address: FOLEY & LARDNER LLP
321 N. Clark Street, Ste. 2800

City: Chicago State: Illinois Zip: 60610

Country: United States of America

Telephone: (312) 832-4500 Email: mrechten@foley.com
mmartin@foley.com

WARNING:
Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioner/applicant should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of third joint inventor (given name, family name)
Blanca Zandora

Inventor's Signature: _____ Date: _____

Residence: Peoria, Illinois Citizenship: Philippines

Mailing Address: 6205 N. Devonshire Dr., Peoria, IL 61615

Full name of fourth inventor (given name, family name)
Lennax Reid

Inventor's Signature: _____ Date: 24-Oct-2006

Residence: Houston, Texas Citizenship: USA

Mailing Address: 14913 Little Leaf Court, Houston Texas 77082

☐ Additional joint inventors or legal representatives are named on separately numbered sheets Form PTO/SB/81 or 02/05 attached hereto.

(Page 3 of 4)

Best Available Copy

Oct 23 06 10:26a Georgia Tech

404 894 3913

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

PTO/SB/01 (10-05)
Approved for use through 04/03/2011, OMB 0931-0039
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) Docket Number (Optional)
063073-0110

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/01.

Correspondence Address: Direct all communications about the application to:
☒ The address associated with Customer Number: 27433
 OR

☒ Firm or Individual Name: Michael D. Rachtin (Reg. No. 30,128) Matthew E. Martin (Reg. No. 3,274)
 Address: FOLEY & LARDNER LLP
 321 N. Clark Street, Ste. 2800
 City: Chicago State: Illinois Zip: 60610
 Country: United States of America
 Telephone: (312) 832-4500 Email: mrachtin@foley.com
mmartin@foley.com

WARNING:
 Patent applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-203B submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioners/applicants are advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(b) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-203B submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of this application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of fifth joint inventor (given name, family name)
 Kenneth Hamall
 Inventor's signature: *Kenneth Hamall* Date: 10/23/06
 Residence: Westchester, Ohio Citizenship: USA
 Mailing Address: 6416 Staffordshire Court, Westchester, Ohio 43069

Full name of _____
 Inventor's signature: _____ Date: _____
 Residence: _____ Citizenship: _____
 Mailing Address: _____

☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/01A or 02LR attached hereto.

(Page 6 of 4)

TOTAL P.05

Best Available Copy